

**MINUTES OF THE PUBLIC MEETING OF THE
RHODE ISLAND ETHICS COMMISSION
REGULATION SUBCOMMITTEE**

June 7, 2011

The Rhode Island Ethics Commission Regulation Subcommittee held its 6th meeting of 2011 following a regularly scheduled full Ethics Commission meeting on June 7, 2011, at the Rhode Island Ethics Commission hearing room located on the eighth floor of 40 Fountain Street, Providence, Rhode Island, pursuant to notices published at the Commission Offices and at the State House Library.

The following subcommittee members were present:

Deborah M. Cerullo SSND, Chair

Edward A. Magro

J. William W. Harsch

Also present was Commission Staff Attorney Amy C. Stewart.

Commissioner Cerullo called the meeting to order at approximately 10:07 a.m.

The subcommittee reviewed the minutes of the Regulation Subcommittee meeting held on May 27, 2011. Upon a properly made

motion and second, it was unanimously

VOTED: To approve the minutes of the Regulation Subcommittee meeting held on May 27, 2011.

The subcommittee acknowledged the receipt of suggested language for Regulation 36-14-5012 Prohibited Activities -- Employee Contract Negotiations proposed by Common Cause.

The members then reviewed the revised draft of Regulation 36-14-5012 Prohibited Activities -- Employee Contract Negotiations, prepared by staff. The new language limited the prohibition on negotiations to public officials whose trade, profession, or occupation is the same as the public employees subject to the contract under negotiation. The subcommittee members agreed that this version appropriately addressed the concerns of the last meeting and that the language was straightforward.

The members discussed whether the analysis regarding the sameness of the public official's trade, profession, or occupation to that of the public employees subject to the contract under negotiation would lead to confusion regarding the definition of those terms. The members concluded that the language will always be subject to interpretation and is limited as much as possible.

The subcommittee members invited comment from the members of

the public in attendance at the meeting. Joseph Knight, a former member of the Pawtucket School Committee, stated that in his experience the contracts for teachers and school administrators are similar within a given school district. Mr. Knight noted that the procedure used in negotiating college professors' contracts would be different because it is at the state level.

Staff Attorney Stewart stated that when the full Commission discussed similar language at its April 19, 2011 meeting, some Commissioners expressed concerns with the breadth of the language used in section (a), specifically the meaning of the phrase "and/or consideration of contract issues." The April 19, 2011 minutes reflect concerns that this language could be construed to apply to the interpretation of a finalized collective bargaining agreement, for example in the context of grievance or disciplinary matters. The subcommittee clarified that its intent is to regulate the process of negotiating the contract and not the implementation of a finalized collective bargaining agreement in individual employment matters. The subcommittee instructed staff to delete that language from section (a) and insert "contract" before "negotiations."

After further discussion, upon motion made by Commissioner Harsch and seconded by Commissioner Magro, it was unanimously

VOTED: To recommend to the full Commission the adoption of proposed Regulation 36-14-5012 Prohibited Activities -- Employee

Contract Negotiations, as amended.

Having concluded its business, upon motion by Commissioner Harsch and seconded by Commissioner Magro, it was unanimously:

VOTED: To adjourn the subcommittee meeting.

Whereupon the meeting adjourned at approximately 10:37 p.m.

Respectfully submitted,

**Amy C. Stewart
Staff Attorney**